REMARKS

Applicants have amended the specification to correct a typographical error. Support for the amendment may be found in the specification at, for example, Fig. 6.

Claims 22-42 remain pending and under examination. Applicants respectfully traverse the rejection of claims 22-42 under 35 U.S.C. § 103(a) as being unpatentable over non-patent literature document "Traffic Dimensioning for Multimedia Wireless Networks" ("*Leila*").

Rejection of Claims 22-42 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claims 22-42 under 35 U.S.C. § 103(a) as being unpatentable over *Leila*. The Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In particular, the Office Action has neither properly determined the scope and contents of the prior art, nor properly ascertained the differences between the claimed invention and the prior art, at least because the Office Action has not interpreted the prior art and considered <u>*both*</u> the invention <u>*and*</u> the prior art <u>*as a whole*</u>. *See* M.P.E.P. § 2141(II)(B). Therefore, a *prima facie* case of obviousness has <u>not</u> been established, and the burden thus remains with the Office.

Specifically, *Leila* does not teach or suggest the following elements recited in claim 22 (and similarly in claim 36):

> ...<u>simulating a second configuration</u> of said mobile telephone network;
> said first and second configurations of said mobile telephone network
> being <u>statistically independent</u> of each other;
> each of said simulation steps comprising the steps of:
> <u>specifying a total number of users</u> to be simulated;

determining a sequence of activation of user blocks included in said total

number of users to be simulated;

activating said user blocks in succession until said total number of users to

be simulated is reached, each user block indicating a traffic distribution....

(Emphases added, claim 36 containing similar recitations.)

The Office Action alleged that *Leila*'s page 58, Strategy B: Items 1 and 2, page 60,

section 2, and page 64, section 5.3.2 teaches Applicants' claimed "specifying...,"

"determining...," and "activating..." steps. *See* Office Action, pages 2-3. This is incorrect.

The Office Action mischaracterized *Leila*. *Leila* discloses a method for simulating 3G

systems. *See Leila*, page 54, section 5.2. In *Leila*, a Monte Carlo static simulation approach is

used to simulate (in each iteration) total traffic at a given time (*i.e.,* a "snapshot"). *See Leila*,

pages 57-58, Strategy B. The total traffic corresponds to the number of active users K in the

snapshot (at the give time point). *See id. Leila*'s simulation then "activate[s] K users in the

traffic grid [in that iteration] ... follow[ing] the probability density of users in the geographical

grid." *See Leila*, page 58, Strategy B: item 2 (emphasis added).

The Office Action alleged that the number of active users K of *Leila* teaches Applicants'

claimed "specifying a total number of users to be simulated," as recited in claim 22. *See* Office

Action, page 2. This is incorrect. First, K is not a number "specified" in *Leila*. Rather, it is

"estimated" or calculated based on total traffic. *See Leila*, page 58, Strategy B: item 1. For

example, *Leila* discloses "one important step ... is how to estimate the number of simultaneously

active users in a statistically representative manner ...." *Leila*, page 55, lines 11-13 (emphasis

added). *See also*, page 64, Equation 5-1, where X is a random variable for the number of

simultaneously active users. Second, as discussed above, K represents the number of active

users. *See Leila*, page 58, Strategy B: items 1 and 2. This number is different from the total

-4-

number of users. For example, *Leila* discloses that "[f]or the snapshot calculated in that iteration, randomly activate K users in the traffic grid (which has a total of N>>K users)." *Id.*

Even if, for discussion purposes, the total number N in *Leila* could be construed as corresponding to the "total number of users" in claim 22 (a statement Applicants do not concede), *Leila* still does not teach Applicants' claimed "activating said user blocks in succession <u>until said total number of users to be simulated is reached</u>," as recited in claim 22, because nowhere in *Leila* is there any disclosure that the total of N users have been simulated.

Moreover, the "randomly activat[ing] K users in the traffic grid [in a snapshot]" in *Leila* <u>cannot</u> constitute Applicants' claimed "<u>determining a sequence of activation of user blocks</u> included in said total number of users to be simulated" and "<u>activating said user blocks in succession</u> until said total number of users to be simulated is reached, each user block indicating a traffic distribution," as recited in claim 22 (emphases added). This is at least because the K users in *Leila* are all with respect to <u>a single time point (snapshot)</u> and the activation of the K users are in accordance to a <u>geographical density distribution</u>, not "a sequence" based on which "user blocks" are activated "in succession."

The Office Action admitted that *Leila* "fails to specifically disclose simulating a second configuration of said mobile telephone network; said first and second configurations of said mobile telephone network being statistically independent of each other." Office Action, page 3. However, the Office Action alleged that "it would [be] matter of design choice to perform a second simulation configuration of mobile telephone network being statistically independent to the first simulation configuration...." Applicants respectfully disagree.

Contrary to the allegation in the Office Action, Applicants have disclosed specifically the advantages of simulating second configuration of mobile telephone network. For example,

Fig. 6 shows a first event-based micro-simulation 201 and a second event-based

micro-simulation 202. On page 59 of the specification, Applicants disclose that

> a first module, associated with the first traffic scenario, <u>processes</u>
> <u>jointly</u> the first statistical results 209 made available after the event
> of collecting the statistical results for the first event-based
> micro-simulation 201 and the second statistical results 212 made
> available after the event of collecting the statistical results for the
> second event-based micro-simulation 202, <u>to obtain performance</u>
> <u>indicators for the first traffic scenario</u>. (Emphases added.)

Similar disclosure may also be found on pages 59-60, with respect to a second traffic

scenario. In addition, Applicants disclose that "the method of evaluation according to the

invention <u>makes it possible to simulate the radio resource management procedures and/or</u>

<u>algorithms with adequate accuracy and reliability, while minimizing the time required for the</u>

<u>simulation</u>." Specification, page 60 (emphasis added). Therefore, "simulating a second

configuration ... being statistically independent [to the first configuration]" is <u>not</u> only a matter

of design choice and <u>cannot</u> be rendered obvious by *Leila*.

Thus, *Leila* fails to teach or suggest at least the above-quoted recitations of Applicants'

independent claims 22 and 36. Therefore, the Office Action has neither properly determined the

scope and content of the cited references, nor properly ascertained the differences between the

prior art and the claimed invention. Independent claims 22 and 36 are nonobvious and should

therefore be allowable over *Leila*. In addition, dependent claims 23-35 and 37-42 should also be

allowable at least by virtue of their respective dependence from base claim 22 or 36, and because

they recite additional features not taught or suggested in *Leila*. Accordingly, Applicants

respectfully request withdrawal of the rejection.

Conclusion:

Applicants request reconsideration of the application and withdrawal of the rejections.

Pending claims 22-42 are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the cited art and related claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations in the Office Action.
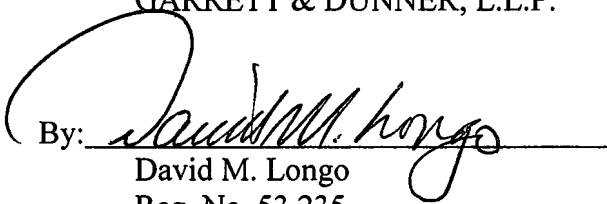
If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 3, 2010   By:_____

David M. Longo
Reg. No. 53,235

/direct telephone: (571) 203-2763/